

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DARNELL QUENTIN BROCKINGTON,
Plaintiff(s),
v.
STEVEN B. WOLFSON, et al.,
Defendant(s).

Case No. 2:22-cv-00816-JAD-NJK

REPORT AND RECOMMENDATION

Plaintiff initiated this case without paying the required fee or filing an application to proceed *in forma pauperis*. Docket No. 1. On July 12, 2022, the Court ordered Plaintiff to pay the filing fee or file an application to proceed *in forma pauperis* by August 11, 2022. *Id.* The Court warned that “[F]AILURE TO COMPLY WILL THIS ORDER MAY RESULT IN A RECOMMENDATION THAT THE CASE BE DISMISSED.” *Id.* at 2 (emphasis in original). Notwithstanding that warning, Plaintiff did not comply.¹

This case cannot proceed without Plaintiff either paying the filing fee or filing a motion to proceed *in forma pauperis*. See 28 U.S.C. § 1914(a); *see also* 28 U.S.C. § 1915(a). Having refused to do either in this case, Plaintiff’s complaint is subject to dismissal. *E.g., Desai v. Biden*, 2021 WL 38169, at *1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021).

Moreover, Plaintiff’s refusal to comply with the Court’s order is an abusive litigation practice that has interfered with the Court’s ability to hear this case, delayed litigation, disrupted the Court’s timely management of its docket, wasted judicial resources, and threatened the

¹ It appears that Plaintiff has not updated his contact information with the Court. See Docket Nos. 8, 9. The failure to provide written notice of changed contact information is also grounds for dismissal. Local Rule IA 3-1.

1 integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than
2 dismissal are unavailable because Plaintiff has refused to comply with the order of this Court
3 notwithstanding the warning that case-dispositive sanctions may be imposed.

4 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
5 prejudice.

6 Dated: August 29, 2022

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9 Nancy J. Koppe
10 United States Magistrate Judge

11 **NOTICE**

12 This report and recommendation is submitted to the United States District Judge assigned
13 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
14 recommendation must file a written objection supported by points and authorities within fourteen
15 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
16 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
17 F.2d 1153, 1157 (9th Cir. 1991).
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